

### **Remarks**

Claims 21 and 23-57 were pending in this application. By this amendment, claims 21 and 23-28, 31, 34, 36, 37, 39, 40, 42, 43, 45, 46, 49, 52, and 55 would be amended. Support for the amendments made herein can be found throughout the specification, for example at page 16, lines 5-14 and at page 3, lines 32-34. In addition, new claims 58 and 59 are added herein. Support for new claims 58 and 59 can be found throughout the specification, for example and page 16, lines 5-14. No new matter would be introduced by these amendments. Unless specifically stated otherwise, none of these amendments are intended to limit the scope of any claim. After entry of this amendment, claims 21 and 23-59 will be pending in this application.

Entry of these amendments after final action is appropriate pursuant to 37 C.F.R. § 1.116 because these amendments place the rejected claims in a more suitable form for consideration and comply with the requirements set forth in the final Office action.

Consideration and entry of these amendments are requested.

### **Withdrawn Rejections**

Applicants thank the Examiner for withdrawing the rejection of claims 21, 23-29, 31, 34, 36, 37, 39, 40, 42, 43, 45 and 46 under 35 U.S.C. § 102(b) and the rejection of claims 30, 32, 33, 35, 38, 41, 44 and 47 under 35 U.S.C. § 103(a) in light of the arguments and claim amendments presented in Applicants' June 23, 2003 Amendment.

### **Examiner Interview**

Applicants thank Examiner Swartz for the courtesy of a telephone interview with its representative regarding this application on October 9, 2003. During that interview, the current rejection of claims 49, 50, 52, 53, 55 and 56 under 35 U.S.C. § 112, paragraph one and the rejection of claims 21 and 23-47 under 35 U.S.C. § 112, paragraph two, were discussed. Applicants' representative indicated that Applicants would adopt the changes suggested by Examiner Swartz with regard to the rejection of claims 49, 50, 52, 53, 55 and 56 under 35 U.S.C. § 112, paragraph one. In addition, Applicants' representative proposed amendments to claims that might alleviate the rejection of claims 21 and 23-47 under 35 U.S.C. § 112, paragraph two. Examiner Swartz stated that the suggested amendments would likely resolve the outstanding claim rejections, and asked that the

Applicants submit the proposed revisions in writing. This Amendment is believed to be in keeping with the spirit of that interview.

Claim Rejections under 35 U.S.C. §112, first paragraph:

Claims 49, 50, 52, 53, 55 and 56 have been rejected under 35 U.S.C. §112, first paragraph as allegedly being indefinite for failure to particularly point out and distinctly claim the subject matter that Applicant regards as its invention. Applicants traverse this rejection; however, to expedite allowance of the claims, Applicants have adopted the language suggested by the Examiner in the final Office action. Specifically, Applicants propose to amend claims 49, 52, and 55 to recite that the immune response induced by the claimed compositions is induced in a mammalian subject. Because they are dependent upon claims 49, 52 and 55, the amendment similarly applies to claims 50, 53 and 56. In addition, because the apparently objectionable language appeared in claims 27, 28, 31, 34, 37, 40, 43, and 46, Applicants similarly request amendment of those claims. As the Applicants have adopted the Examiner's suggested language, Applicants submit that claims 49, 50, 52, 53, 55 and 56 (as well as claims 27, 28, 31, 34, 37, 40, 43, and 46) are allowable in the amended form appearing above, and respectfully request that the Examiner withdraw the rejection of these claims.

Claim Rejections under 35 U.S.C. §112, second paragraph:

Claims 21 and 23-47 have been rejected under 35 U.S.C. §112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Applicants traverse this rejection; however, to advance allowance of the claims, Applicants propose to revise the claims to specify that the claimed compositions comprise two peptides wherein the peptides in turn comprise at least a stated number of contiguous amino acid residues of SEQ ID NO: 8 and SEQ ID NO: 14. Applicants submit that the claims as amended above are allowable and respectfully requests that the Examiner remove the rejection of these claims.

New Claims

By this amendment, new dependent claims 58 and 59 would be added to the application. Support for new claims 58 and 59 can be found in the original claims and throughout the specification, for example at page 16, lines 5-14. No new matter would be added by these amendments and no new

search is required to evaluate them as the Examiner has already searched SEQ ID NO: 8 and SEQ ID NO: 14.

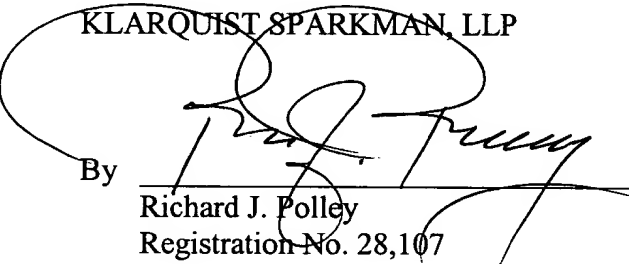
### CONCLUSION

It is respectfully submitted that the claims presented herein are in a condition for allowance. If it may further the allowance of these claims, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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